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C O N F I D E N T I A L OTTAWA 003650

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [CA](#) [RS](#)

SUBJECT: RUSSIAN NGO LAW - THE ART IS IN THE IMPLEMENTATION

REF: A. (A) SECSTATE 222292

[1](#)B. (B) OTTAWA 222292

Classified By: POLMINCOUNS Brian Flora, Reasons 1.4 (B) and (D)

[1](#)1. (U) Poloff delivered reftel to Gilles Breton, Deputy Director of the Eastern Europe and Balkans Division at Foreign Affairs Canada (FAC).

[1](#)2. (C) Breton emphasized that, since our last discussion (reftel B), Vladimir Lukin, the Russian Parliament's ombudsman for human rights issues, has stated that international agreements, including the Council of Europe legislation and the European Convention on Human Rights, take precedence over Russian law. According to Breton, this concept is enshrined in the 1993 Russian constitution and, while the upcoming NGO law may not conform with the North American notion of unqualified freedom of expression, for instance, the debate in Europe about whether this right and others like freedom of assembly or freedom of association has been a long and constructive one, even if the conclusions result in different interpretations from those in North America. Breton assured poloff that these European and North American differences in the legal debate will continue and that it appears that some Russian decision makers are engaged in the same debate.

[1](#)3. (C) More important for Canada, according to Breton, is the way in which Russia chooses to implement and enforce the current NGO draft law. The GoC is watching Russia's decisions to permit or limit international funding for NGOs that work on civil society issues and that must balance democracy promotion with perceived meddling in Russia's internal political process. Referring to sentiments expressed by Nikolas K. Gvosdev, the editor of "The National Interest" in a December 8 International Herald Tribune article entitled "Russia's NGOs: It's Not So Simple," Breton said that the challenge lies in the interpretation and application of the law. Will it be a narrow interpretation that facilitates NGOs ability to spread their democratic message or a broad interpretation that unfairly restricts their activities, damages democratizing Russia's human rights reputation and raises practical concerns for the GoC as well as other international partners? Ultimately, said Breton, the resolution may be left up to the courts.

[1](#)4. (C) Comment: The GoC is likely to focus its efforts on influencing the debate over the implementation of the Russian NGO law -- not the various iterations during the legislative process. The GoC views the Canadian-Russian dialogue in the run-up to the NGO meetings on the margins of the G-8 summit as the more effective avenue for encouraging a limited application of the law. Ella Pamfilova, Chair of the Presidential Council for Promoting Civil Society Institutions and Civil Rights and head of the Russian branch of Transparency International, is expected to lead a group of media professionals from the President's office to Canada in the coming months. The acknowledgement that European law legally supercedes Russian law gives the GoC reason to believe that Russian decision makers are focusing on appropriate considerations as they move toward the second reading of this draft law.

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